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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7	ARACELI VIRREY HERNANDEZ	No. 16-CV-5014-FVS
8	O/B/O A N,	ORDER ADOPTING REPORT AND
9	Plaintiff,	RECOMMENDATION TO GRANT
10	vs.	DEFENDANT'S MOTION TO
11	CAROLYN W. COLVIN,	DISMISS
12	Acting Commissioner of Social Security,	ECF Nos. 10, 14
13	Defendant.	

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15 **BEFORE THE COURT** is the Report and Recommendation issued by
16 Magistrate Judge Mary K. Dimke on December 12, 2016, ECF No. 14,
17 recommending Defendant's Motion to Dismiss, ECF No. 10, be granted. No
18 objection was filed. After review, the Court hereby adopts the Report and
19 Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

20 ORDER ADOPTING REPORT AND RECOMMENDATION TO GRANT
- - PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENY
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 1

1. The Report and Recommendation, ECF No. 14, is **ADOPTED** in its entirety.

2. Defendant's Motion to Dismiss, ECF No. 10, is GRANTED.

The District Court Executive is directed to file this Order and forward copies to the parties. Judgment shall be entered for Defendant and the file shall be **CLOSED.**

DATED December 28, 2016.

s/Fred Van Sickle
Fred Van Sickle
Senior United States District Judge

ORDER ADOPTING REPORT AND RECOMMENDATION TO GRANT
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENY
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 2